

Resolution No.: 16-216  
Introduced: June 19, 2007  
Adopted: June 26, 2007

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY MARYLAND**

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By: County Council

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**SUBJECT:** Repeal of Resolution 16-64, Grant of franchise to Mobilitie Investments, L.L.C. to use the public right-of-way

**Background**

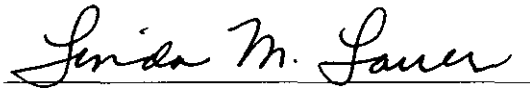
1. Section 49-11 and 49-12 of the County Code provide that the County Council may grant a franchise for use of the public right-of-way after:
  - a) the franchise applicant publishes the application once a week for three consecutive weeks in a newspaper of general circulation in the County;
  - b) the County Executive makes "diligent inquiry" into the value of the franchise and the adequacy of the proposed compensation the applicant will pay to the County;
  - c) the Executive holds a hearing on the application if any taxpayer or affected property owner objects to the franchise within 10 days after publication of the application;
  - d) the Executive makes a written recommendation to the Council about the franchise, including a description of the application and any objections to it, findings about the value of the franchise, and any other relevant matters; and
  - e) the Council decides that the franchise is expedient and proper.
2. On March 8, 2007, after satisfying the requirements of Sections 49-11 and 49-12, the Council adopted Resolution 16-64, Grant of franchise to Mobilitie Investments, L.L.C. ("Mobilitie") to use the public right of way. Resolution 16-64 granted a franchise to Mobilitie to use the public right-of-way for distributed antenna systems. The Council granted the franchise under the terms of an attached franchise agreement.
3. On May 29, 2007, Mobilitie returned the franchise agreement to the Council, unsigned. Mobilitie submitted correspondence to the Council indicating that the company no longer intends to build a communications network in the County.

**Action**

The County Council for Montgomery County, Maryland approves the following resolution:

Resolution 16-64, Grant of Franchise to Mobilitie Investments, L.L.C. to use the public right-of-way is repealed. By repealing this resolution, the Council rescinds the grant of the franchise to Mobilitie Investments, L.L.C.

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council